

In the Matter of) Arizona Supreme Court
) No. R-12-0021
PETITION TO AMEND RULES)
4(d) AND 4(e), ARIZONA RULES OF)
CIVIL PROCEDURE)
)
)
)
)

) **FILED 08/30/2012**

TO:
Rule 28 Distribution
David K Byers
mwa

ATTACHMENT¹

Rules of Civil Procedure

Rule 4(d). Process; By Whom Served

Service of process shall be by a sheriff, a sheriff's deputy, a private process server certified ~~registered with the clerk of the court~~ pursuant to the Arizona Code of Judicial Administration § 7-204: Private Process Server and subpart (e) of this Rule, or any other person specially appointed by the court, except that a subpoena may be served as provided in Rule 45. Service of process may also be made by a party or that party's attorney where expressly authorized by these Rules. A ~~private process server~~ or specially appointed person shall be not less than twenty-one (21) years of age and shall not be a party, an attorney, or the employee of an attorney in the action whose process is being served. Special appointments to serve process shall be requested by motion to the presiding Superior Court judge and the motion shall be accompanied by a proposed form of order. The party submitting the proposed form of order shall comply with Rule 5(j)(2) under which the filing party includes the appropriate number of copies to be addressed to each party who has entered an appearance in the case and stamped, addressed envelopes for distribution of the resulting order, unless otherwise provided by the Presiding Judge. If the proposed form of order is signed, no minute entry shall issue. Special appointments shall be granted freely, are valid only for the cause specified in the motion, and do not constitute an appointment as a ~~registered~~ certified private process server.

Rule 4(e) ~~State-wide Registration~~ Certification of Private Process Servers

A person who files with the clerk of the court an application for certification as a private process server, pursuant to the Arizona Code of Judicial Administration § 7-204, as adopted ~~approved~~ by the Supreme Court, ~~stating that the applicant has been a bona fide resident of the State of Arizona for at least one year immediately preceding the application and that the applicant will well and faithfully serve process in accordance with the law, and who otherwise complies with the procedures set forth by the Supreme Court in its Administrative Order regarding this subsection,~~ shall, upon approval of the court or presiding judge thereof, in the County where the application is filed, be registered with the clerk as a certified private process server until such ~~approval~~ certification is withdrawn by the court ~~in its discretion~~. The clerk shall maintain a register for this purpose. Such certified private process server shall be entitled to serve in such capacity for any court of the state anywhere within the State.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.